

**REMARKS**

In the Office Action, claims 1-35 were rejected. By the present Response, Applicants have cancelled claims 6, 9, 15, 18, and 34-35; added new claims 36 and 37; and amended claims 1, 7, 10, 16-17, 19-20, and 28-29. Upon entry of the amendments, claims 1-5, 7, 8, 10-14, 16, 17, 19-33, 36, and 37 will remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

**Rejections Under 35 U.S.C. § 101**

In the Office Action, the Examiner rejected claims 10-18 under 35 U.S.C. § 101 as directed to non-statutory subject matter. While Applicants do not necessarily agree with the Examiner's rejection, Applicants have amended independent claims 10 and 16 for clarification. Specifically, these claims are now directed to a computer program "provided on one or more *tangible* computer readable media." In view of these amendments, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 101.

**Rejections Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-5, 7-8, 10-14, and 16-17 under 35 U.S.C. § 102(b) as anticipated by U.S. Publication No. 2003/0046548 A1 (hereinafter "Brown" or "the Brown reference"). Applicants respectfully traverse this rejection.

***Legal Precedent and Guidelines***

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re*

*Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

***Claim Features of Independent Claims 1 and 10 Omitted from Cited Reference***

Turning to the claims, independent claim 1, as amended, recites, *inter alia*, “designating one or more interface regions of a system user interface as *limited remote access interface regions*, wherein the system user interface *controls the operation of a medical imaging system* and is displayed on a local operator workstation; ... and wherein the system user interface *has functionality on the local operator workstation which is not enabled on the remote operator workstation.*” Emphasis added. Independent claim 10, as amended, recites a computer program with routines for performing these steps.

First, the cited reference does not teach or suggest “designating one or more interface regions of a system user interface as limited *remote access* interface regions,” as recited in the present claims. Rather, the cited reference discloses limiting access to certain content on a website based on a user’s *access rights*, not the user’s proximity to a device. *See Brown*, p. 2, para. 34. These access rights are determined based on a user’s access level and may change if a user pays a fee or visits a sponsor’s website. *See Brown*, p. 7, para. 92; p. 8, para. 111. There is no indication, however, that a user’s access rights differ based on the user’s location.

Next, the cited reference does not teach or suggest that “the system user interface *controls the operation of a medical imaging system*,” as recited in the present claims. The

cited reference teaches limited access to content based on access rights information. *See* Brown, Abstract. Nothing in the cited reference discloses control of a medical imaging system.

Finally, the cited reference does not teach or suggest that “the system user interface has functionality on the *local* operator workstation which is not enabled on the *remote* operator workstation” as recited in the present claims. Applicants note that the Examiner, in rejecting cancelled claim 34, stated:

Brown teaches a means for visually limiting a user interface displayed on the remote operator workstation relative to the user interface displayed on the local operator workstations (par. 37). The remote operator workstation receives an updated interface with disable function controls, which are the same function controls seen on the server/host workstation. (ARI).

Office Action, p. 11. However, the Examiner’s argument is flawed. Because the access rights in Brown are based on a user’s access level rather than location, any user located anywhere in the world could have unlimited access to given content. *See* Brown, p. 2, para. 33. Likewise, a user who is sitting at the server/host workstation might have limited access rights based on his access level. In Brown, a user’s ability to access certain content or perform certain functions is not based on whether the user is *local* or *remote* but rather is based on the user’s *access level*.

In view of these deficiencies, the cited reference cannot anticipate independent claims 1 and 10 and their dependent claims.

***Claim Features of Independent Claims 7 and 16 Omitted from Cited Reference***

Independent claim 7, as amended, recites, *inter alia*, “designating one or more interface regions of a system user interface as *limited remote access interface regions*, wherein the system user interface *controls the operation of a medical imaging system*; ... and removing the one or more restricted remote inputs from the input stream to the local

system, wherein removing the one or more restricted remote inputs *prevents remote activation of the medical imaging system.*" Emphasis added. Independent claim 16, as amended, recites a computer program with routines for performing these steps.

As discussed above in reference to independent claims 1 and 10, Brown does not teach or suggest "designating one or more interface regions of a system user interface as limited *remote access interface regions*" or that "the system user interface controls the operation of a *medical imaging system*" as recited in the present claims.

In addition, the cited reference does not teach or suggest that "removing the one or more restricted remote inputs *prevents remote activation* of the medical imaging system" as recited in the present claims. Applicants note that the Examiner, in rejecting cancelled claim 35, stated:

Brown discloses a means for limiting the communication from the remote operator workstation to the one or more control circuits (par. 37). Once the user is established with a limited access rights the user will not be able to communicate with a printer, etc. (ARI).

Office Action, p. 12. However, the access rights limitations in Brown prevent a user from activating devices local to the *user* or *client*, not local to the *server* or *host*. See Brown, pp. 2-3, para. 37. Nothing in Brown discloses preventing remote activation of a device, much less an imaging system.

As such, the cited reference cannot anticipate independent claims 7 and 16 and their dependent claims. For at least these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

### **Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 6, 9, 15, and 18-35 under 35 U.S.C. § 103(a) as obvious over Banks et al. (U.S. Patent No. 6,603,494 B1) in view of Brown. Applicants respectfully traverse this rejection.

***Legal Precedent and Guidelines***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide *objective evidence*, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). Moreover, a statement that the proposed modification would have been “*well within the ordinary skill of the art*” based on individual knowledge of the claimed elements cannot be relied upon to establish a *prima facie* case of obviousness without some *objective reason to combine* the teachings of the references. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); *In re Kotzab*, 217 F.3d 1365, 1371, 55 U.S.P.Q.2d. 1313, 1318 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d. 1161 (Fed. Cir. 1999).

***References Fail to Teach or Suggest all Features of Independent Claim 19***

Turning to the claims, independent claim 19, as amended, recites, *inter alia*, “a limited communication module *located on at least one of the network connection or the local medical imaging system*, wherein the limited communication module may be configured to designate one or more interface regions of a system user interface as *limited*

*remote access interface regions ... such that the system user interface has functionality on the local operator workstation which is not enabled on the remote operator workstation.*" Emphasis added.

The Examiner stated that "Banks fails to teach a limited communication module." Office Action, p. 7. However, Brown also fails to teach the limited communication module as recited in the present claim. As discussed above in reference to claims 1 and 10, Brown does not teach or suggest that "the limited communication module may be configured to designate one or more interface regions of a system user interface as limited *remote access interface regions*" or "that the system user interface has functionality on the *local* operator workstation which is not enabled on the *remote* operator workstation" as recited in the present claim. Rather, Brown teaches limited functionality based on a user's access rights level. *See* Brown, Abstract.

In addition, Brown fails to disclose "a limited communication module located on at least one of the *network connection* or the *local medical imaging system*" as recited in the present claim. Rather, Brown teaches the use of ARI tags which are interpreted by the *local client device* to limit access to content. *See* Brown, Fig. 6. Specifically, Brown states "the present invention provides a mechanism by which access rights may be assigned to information and content in a manner that allows *browser applications* to limit use of the information and content based on the access rights assigned." Brown, pp. 3-4, para. 48.

In view of these deficiencies, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 19 and its dependent claims.

***References Fail to Teach or Suggest all Features of Independent Claim 28***

Independent claim 28, as amended, recites, *inter alia*, "a limited communication module located on at least one of the *network connection* or the *local medical imaging*

*system*, wherein the limited communication module may be configured to designate one or more interface regions of a system user interface as *limited remote access interface regions* ... [and] wherein removing the one or more restricted remote inputs prevents *remote activation* of the medical imaging system.” Emphasis added.

As noted above in reference to independent claim 19, the Examiner stated that “Banks fails to teach a limited communication module.” Office Action, p. 7. Once again, Brown fails to teach the limited communication module as recited in the present claim.

As discussed above in reference to claims 1 and 10, Brown does not teach or suggest that “the limited communication module may be configured to designate one or more interface regions of a system user interface as limited *remote access* interface regions” or “that the system user interface has functionality on the *local* operator workstation which is not enabled on the *remote* operator workstation” as recited in the present claim. Rather, Brown teaches limited functionality based on a user’s access rights level. *See* Brown, Abstract.

In addition, as discussed above in reference to independent claim 19, Brown does not disclose “a limited communication module located on at least one of the *network connection* or the *local medical imaging system*” as recited in the present claim. Rather, Brown teaches the use of ARI tags which are interpreted by the *local client device* to limit access to content. *See* Brown, Fig. 6.

Finally, as discussed above in reference to independent claims 7 and 16, nothing in Brown discloses preventing *remote activation* of a device much less an imaging system. Rather, Brown teaches preventing a client from activating a printer local to the *user* or *client*, not local to the *server* or *host*. *See* Brown, pp. 2-3, para. 37.

In view of these deficiencies, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 19 and its dependent

claims. For at least these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

**New Independent Claims 36 and 37**

As set forth above, Applicants added new claims 36-37. For the reasons discussed in detail above and in view of other claim features, Applicants believe these claims are patentable over the cited references and in condition for allowance. Therefore, the Applicants request that the Examiner allow the new claims 36-37.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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